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May 27, 1997

VIA TELEFAX AND U.S. MAIL

Stein M. Buer, Assistant Director
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Re: Storage and Conveyance Refinement Process

Dear Mr. Buer:

The following comments are made on behalf of Stockton East Water District to the Draft CALFED Bay-Delta Program Storage and Conveyance Component Inventories (Component Inventories Report) and the Status Report on Technical Studies for the Storage and Conveyance Refinement Process (Technical Studies Report).

Draft CALFED Bay-Delta Program Storage and Conveyance Component Inventories:

The Component Inventories Report lists the Farmington Reservoir Enlargement as a potential surface storage component for consideration in the CALFED alternatives analysis. However, under the Preliminary Assessment Consideration section, Farmington Reservoir Enlargement is rated low because it is an enlargement of an on-stream storage facility. While the document does not explain why enlargement of on-stream storage rates low, Farmington Reservoir is not a typical on-stream storage facility. First, Farmington Reservoir extends across both the Littlejohns Creek and Rock Creek channels. However, unlike most creek channels, both Littlejohns and Rock Creeks historically have no flow during the majority of the year.

Littlejohns and Rock Creeks tend to be very "flashy" during the rainy season, but once the rain ceases the channels dry up. At no time during the year is there a constant flow of water through the Farmington Reservoir. This lack of consistent flow is tremendously different than most on-stream

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storage facilities which dam up running rivers, streams or creeks. Enlarging the Farmington Reservoir will not have the same drastic altering of river flows as seen with new on-stream storage facilities. Farmington Reservoir is designed to store flood waters. Because Farmington Reservoir is less damaging to the natural environment than most on-stream storage facilities, enlargement of the Farmington Reservoir should be elevated from a low priority to a high priority under the Preliminary Assessment Considerations.

Under the Groundwater Storage components, I am a bit confused by the Folsom South Canal Area component. There are a number of references to South San Joaquin Irrigation District which to my understanding has nothing to do with that proposed project. I believe the reference should be to the Central San Joaquin Water Conservation District which is located immediately adjacent to Stockton East Water District and which has the capacity for storage in its underground water basin.

Status Reports on Technical Studies for the Storage and Conveyance Refinement Process:

There is a section in the Technical Studies Report which discusses system modeling. There are a number of fundamental flaws contained in Appendix II - DWR's Planning Simulation Model assumptions used for the CALFED Benchmark Study (Appendix II). First, in Appendix II, Section (D) under the Instream Flow Requirements there is a statement that "[a]dditional minimum flow requirements are imposed in June through September (15.2 - 17.4 TAF per month) to maintain dissolved oxygen levels in the Stanislaus River." [Appendix II, page 9] This is not an instream flow requirement, but is a water quality requirement. Moreover, there is no specific flow requirement for water quality requirement purposes, rather a standard to be met for dissolved oxygen at Ripon. References to the June to September figure is simply inaccurate. Furthermore, the Bureau of Reclamation (Bureau) has consistently stated that water is rarely released from New Melones to specifically meet the dissolved oxygen standard at Ripon, rather the dissolved oxygen standard is met through releases made for other purposes.

This section further states that "[c]hannel capacity below Goodwin Dam is assumed to be 8,000 cfs." [Id.] While this statement may be correct, in the abstract, the Bureau is required by court order to limit instream flow to

1,250 to 1,500 cfs, except during times when the New Melones flood space is encroached. This limitation must be properly reflected. Furthermore, the reference to the April 26, 1996 letter from the Bureau to the State Water Resources Control Board is irrelevant, as CVP contract obligations have not been changed by a letter from the Bureau to the State Board. Any modeling should be based up the contractual obligations of the Bureau.

Section IX - CVP Demand, Deliveries & Deficiencies does not reflect the Bureau's contractual obligation to supply water from New Melones Reservoir. The Bureau is obligated to supply its current water contractors, Stockton East Water District and Central San Joaquin Water Conservation District or in basin contractors (after the basin develops) with 155,000 acre-feet of water each year. This must be accurately reflected somewhere under CVP demands.

Section X - Delta Standards states that pursuant to criteria outlined in an April 26, 1996 letter from the Bureau to the State Water Resources Control Board, a cap of between 70,000 to 200,000 acre-feet per year is imposed on releases from New Melones for water quality purposes. Stockton East Water District believes that the Bureau is only permitted to release up to 70 TAF of water per year from New Melones Reservoir for water quality purposes because of the specific directive contained in the Congressional authorization for New Melones.

The principal purpose of the New Melones project was to provide needed water supply to in-basin uses and local adjacent areas. In its authorization, however, Congress directed that consideration be given to the advisability of including storage for regulation of streamflow for the purpose of downstream water quality control, which was done. The conclusions reported in Design Memorandum No. 5 dated June 1965 include the recommendation that:

a. The New Melones Project include water quality control as a project purpose.

b. The water quality objectives be established as follows: (1) in San Joaquin River immediately below the mouth of the Stanislaus River total dissolved solids are to be limited to less than 500 parts per million, and (2) in Stanislaus River dissolved

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oxygen concentration is to be maintained to a level of at least 5 milligrams per liter.

c. Releases from New Melones Dam for water quality control purposes be made as necessary to maintain the objectives listed above, **but not in excess of 70,000 acre-feet in any one year.**

d. The cost allocated to the water quality control function be considered non-reimbursable.

(at p. 10, emphasis added). Such direction is consistent with the recognition that salinity control is a purpose of the entire CVP as acknowledged by the SWRCB in Decisions 990 and 1379. For the New Melones project, however, the ability of the project to contribute to water quality is secondary to its primary function of local area water supplies, which was clearly supported by the limitation on its contribution of 70,000 acre-feet in any one year. Thus, releases in excess of 70,000 acre-feet in one year exceed that which Congress authorized and cannot not be required by the State Water Resources Control Board. The system modelling should not include unlimited supplies of water for water quality purposes from New Melones, but instead, water quality releases should be capped at 70,000 acre-feet.

Should you have any questions, please feel free to contact me.

Very truly yours,

KARNA E. HARRIGFELD
Attorney-at-Law

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cc: Edward M. Steffani

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